



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed August 31, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the La Crosse County Department of Human Services in regard to Medical Assistance, a telephone hearing was held on October 20, 2015.

The issue for determination is whether the respondent correctly denied peittioern's request for BadgerCare coverage for August, 2015.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]

La Crosse County Department of Human Services
300 N. 4th Street
PO Box 4002
La Crosse, WI 54601

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County.

2. On July 7, 2015, the respondent notified petitioner that her children would be eligible for BadgerCare benefits as of August 1, 2015, but that she was ineligible due to income exceeding program limits.
3. On August 12, 2015, petitioner notified respondent that she was no longer employed as a teacher due to a drop in enrollment.
4. The respondent processed BadgerCare eligibility for petitioner on August 12, 2015, and approved benefits for September 1, 2015, forward.
5. Petitioner's request for August, 2015, benefits was denied due to income exceeding program limits.

DISCUSSION

BadgerCare Plus is Wisconsin's medical assistance program for those who are under 65 and not disabled. Adults are ineligible if their household income exceeds the federal poverty level. Wis. Stat. § 49.471(4)(a). The federal poverty level for a one-person household, the size of the petitioner's, was \$972.50 until February 1, 2015, when it increased to \$980.83. *BadgerCare Plus Handbook*, § 50.1. The petitioner, whose income was through a contract with Board of Education of Independent School District 294, Houston, Minnesota, had been receiving BadgerCare Plus for her children.

When determining her medical assistance benefits, the agency had averaged the income she received during the nine months of the school year over 12 months. *Medicaid Eligibility Handbook*, § 16.4.1, requires that the income of contractual workers be divided over the length of the contract.

1. Contractual Income

This provision applies primarily to teachers and other school employees.

When an employed BadgerCare Plus group member is paid under a contract, either written or verbal, rather than on an hourly or piecework basis, the income is prorated over the period of the contract. For example, if the contract is for 18 months, the income is prorated over 18 months no matter the number of installments made in paying the income. The income is prorated even if one of the following is true:

- a. There are predetermined vacation periods
- b. He or she will only be paid during work periods
- c. He or she will be paid only at the end of the work period, season, semester, or school year

Medicaid Eligibility Handbook, § 16.4.1.

The petitioner is specifically appealing the denial of her August benefits. Petitioner had initially received approval for healthcare coverage for her children, but was denied herself due to income exceeding program limits. In August, 2015, petitioner was notified that she would no longer be employed due to a drop in enrollment. She immediately notified the respondent. However, because she continued to receive income, she was again deemed over the income limit for BadgerCare. She asserts that she is being penalized for taking her income over the course of 12 months, instead of receiving it just for the months that she was working; in essence, she testified, the income she received in August was for work already completed.

Whether or not petitioner opted to take her income in payments over 9 months or 12 months, it is clear that the rules require her income to be prorated. Petitioner concedes that she received income in August, 2015. As such, I find no error in the respondent's denial of petitioner's request for BadgerCare coverage for August, 2015.



CONCLUSIONS OF LAW

The county agency correctly determined that the petitioner was ineligible for BadgerCare Plus during August, 2015 because her income exceeded 100% of the federal poverty level.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

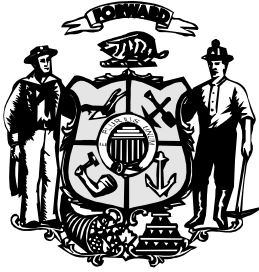
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 20th day of November, 2015

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 20, 2015.

La Crosse County Department of Human Services
Division of Health Care Access and Accountability